

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID HIGHTOWER : CIVIL ACTION  
: :  
v. : :  
: :  
EASTON AREA SCHOOL DISTRICT : NO. 09-5730

ORDER

AND NOW, this 30th day of September, 2011, upon consideration of plaintiff's complaint (docket entry # 1), defendant's answer to complaint (docket entry # 3), defendant's motion for summary judgment (docket entry # 18) and statement of material facts and exhibits thereto (docket entries # 19 and 20), plaintiff's memorandum in opposition to defendant's motion (docket entry # 22) and statement of material facts and exhibits thereto (docket entries # 23 and 24), and upon the analysis set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. Defendant Easton Area School District's motion for summary judgment (docket entry # 18) is GRANTED IN PART;
2. Counts I and III of plaintiff Hightower's Complaint (docket entry # 1) are DISMISSED WITH PREJUDICE;
3. Count II of plaintiff's Complaint is DISMISSED WITH PREJUDICE insofar as it states the claims identified in the accompanying Memorandum;
4. Plaintiff's prayer for punitive damages under

Count II is DENIED;

5. In accordance with Loc. R. Civ. P. 72.1 and 28 U.S.C. § 636(b) (3), this case is REFERRED to the Hon. Jacob P. Hart to attempt to resolve this controversy, and the parties shall participate in good faith in accordance with Judge Hart's directions; and

6. Further scheduling shall abide the results of Judge Hart's mediation.

BY THE COURT:

      \s\Stewart Dalzell